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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,231	07/28/2005	Kazuhiko Minami	57878US004	2718
32692 7590 07/19/2009 3M INNOVATIVE PROPERTIES COMPANY PO BOX 33427 ST. PAUL, MN 55133-3427				
EXAMINER CHANG, VICTOR S				
ART UNIT 1794		PAPER NUMBER		
NOTIFICATION DATE 07/09/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/518,231

Applicant(s)

MINAMI, KAZUHIKO

Examiner

VICTOR S. CHANG

Art Unit

1794

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2008 and 29 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Individual Patent Application
- 6) ☐ Other: _____
- Page No(s)/Mail Date 2/3/09

DETAILED ACTION

Introduction

1. Applicants' amendments and remarks filed on 2/21/2008 and 4/29/2009 have been entered. The specification, abstract and claim 1 have been amended. Claims 4 and 5 have been cancelled. Claims 1-3 are active.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. In response to the amendments, after a careful reconsideration, the grounds of rejection set forth in the Office action mailed 2/11/2008 have been reinstated and updated as set forth below. Rejections not maintained are withdrawn.

Rejections Based on Prior Art

4. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takei, et al. [US 5362357] in view of Miyajima et al. [JP 56008477] and Ichihara et al. [JP 2001089732].

For claim 1, the reasons of rejections set forth in Office action mailed 2/11/2008 have been maintained. In particular, Takei teaches that an acrylic polymer based repeelable pressure sensitive adhesives can be used to form the color selecting mask (optical filter) [page 2 in the Office action mailed 2/11/2008]. Regarding the Markush group of adhesive composition (added in amendment filed 2/21/2008), Ichihara's invention relates to a repeeling (repeelable) adhesive tape. The tape is capable of readhering and repeeling repeatedly without tearing the adherends when peeling after the lapse of time. The adhesive comprises SIS (styrene-isoprene-styrene)

block copolymer and a tackifying resin at a ratio of 10:4 to 10:6. The adhesive has ≥ 1 N/25 mm initial 90° peeling strength to the adherend under the condition of 300 mm/min stress rate and ≤ 10 N/25 mm 90° peeling strength after left for 24 h at 60°C under 90% RH [abstract]. It would have been an obvious selection to one of ordinary skill in the art to substitute Takei's acrylic polymer based repeelable adhesive with an SIS based repeelable adhesive, because the selection of a known equivalent material based on its suitability for its intended use supported a *prima facie* obviousness determination. See MPEP § 2144.07.

For claim 2, Ichihara teaches substantially similar repeelable properties under similar testing conditions over a range of SIS/tackifying resin ratio. Workable repeelable properties are deemed to be an obvious routine optimization to one of ordinary skill in the art, motivated by the desire to obtain the same required repeelable properties for the same end use.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Takei, et al. [US 5362357] in view of Miyajima et al. [JP 56008477] and Ichihara et al. [JP 2001089732], and further in further view of Shepard et al. [US 5581068].

The teachings of prior art are again relied upon as set forth above.

For claim 3, the reasons rejection set forth in the Office action mailed 2/11/2008 has also been maintained.

Response to Arguments

6. In view of the updated grounds of rejection set forth above, applicant's arguments filed 2/21/2008 at Remarks page 4 are moot.

Conclusion

7. Applicant's amendment filed 2/21/2008 necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **VICTOR S. CHANG** whose telephone number is (571)272-1474. The examiner can normally be reached on 7:00 am - 5:00 pm, Tuesday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor S Chang/
Primary Examiner, Art Unit 1794